IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 21704 of 2004(H)

PETITIONER:

ABDUL RASHEED A., TC.70/285,
BHEEMAPALLY, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY.

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   THIRUVANANTHAPURAM.

2. **THE TAHSILDAR (RR), THIRUVANANTHAPURAM.**

3. **LORD KRISHNA BANK LTD.,**
   KARIMPANAL ARCADE, EAST FORT,
   THIRUVANANTHAPURAM.

BY ADV. SRI.S.R.DAYANANDA PRABHU,
ADV. SRI.K.S.RAJESH,
GOVT. PLEADER SMT. SMITHA SUKUMARAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.21704/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE DEMAND NOTICE UNDER SECTION 7 OF R.R. ACT.

EXT.P.2: COPY OF THE DEMAND NOTICE BEFORE ATTACHMENT NIL. DTD.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 05/02/2004.

RESPONDENT'S EXHIBITS:

EXT.R3.1: COPY OF THE STATEMENT OF ACCOUNT MAINTAINED IN THE NAME OF PETITIONER.

EXT.R3.2: ACKNOWLEDGMENT OF LIABILITY DTD. 04/10/1999 EXECUTED BY THE PETITIONER.

//TRUE COPY//,

P.S. TO JUDGE

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 21704 OF 2004-H

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Dated this the 13th day of July, 2007.

JUDGMENT

The petitioner did not satisfy the conditions imposed as per the order dated 29-7-2004. Hence, the order of stay granted on that day was not further extended as is apparent from the order dated 29-11-2004. The requisitioning authority, the third respondent has filed a counter affidavit stating the remittances made. The requisitioning authority has also produced Ext.R3(2) by which the petitioner has acknowledged the outstanding debts. This contention of the contesting third respondent is not refuted by the petitioner. In fact, the existence of

the document as Ext.R3(2) is suppressed in the writ petition. Having regard to Ext.R3(2), the plea of limitation raised by the petitioner does not survive. The writ petition fails. The same is accordingly dismissed. No costs.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-